

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

MONTE EMMANUEL STRAITE,)	
)	
Petitioner,)	
)	1:15CV910
v.)	1:11CR321-1
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b), (ECF No. 142), and, on July 6, 2023, was served on the parties in this action, (*see* ECF No. 143). Petitioner filed Objections to the Magistrate Judge's Recommendation. (ECF No. 144.)

The Court has appropriately reviewed the Magistrate Judge's Recommendation and has made a *de novo* determination in accord with the Magistrate Judge's Recommendation. The Court hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Petitioner's Rule 59(e) Motion, (ECF No. 138), and his Rule 60(b)(1) Motion, (ECF No. 140), are **DENIED**.

Finding neither a substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, a certificate of appealability is **DENIED**.

This, the 2nd day of August 2023.

/s/ Loretta C. Biggs
United States District Judge